

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ZEFERINO ELIZONDA,

Petitioner,

vs.

D. W. NEVEN, et al.,

Respondents.

Case No. 2:11-CV-01735-GMN-(CWH)

ORDER

Petitioner has paid the filing fee (#4). The court has reviewed his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#5) and his motion for appointment of counsel (#2). The procedural history of petitioner's case appears to be more complicated than usual: A possible failure to file a direct appeal, trial counsel trying to represent petitioner in his post-conviction proceedings in state court, and then subsequent post-conviction counsel possibly failing to file an appeal from the denial of the post-conviction petition that considered direct-appeal issues. Appointment of counsel would benefit both petitioner and the court in determining the issues of this case. See 18 U.S.C. § 3006A(a)(2)(B).

IT IS THEREFORE ORDERED that petitioner's motion for appointment of counsel (#2) is **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

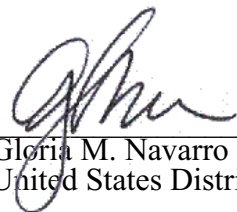
IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days from the date that this order is entered to undertake direct representation of petitioner or to indicate to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he shall then have sixty (60) days to file an amended

1 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
2 then the court shall appoint alternate counsel.

3 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
4 General for the State of Nevada, as counsel for respondents.

5 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
6 General of the State of Nevada and the Federal Public Defender a copy of the petition (#5) and a
7 copy of this order.

8 DATED this 2nd day of December, 2011.

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13 Gloria M. Navarro
14 United States District Judge
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